

EPA-HQ-2016-004898 request Details

Due Date: 04/15/2016 Clock Days: 20

Requester Information

Requester	Mr. Allan Blutstein	Tracking Number	EPA-HQ-2016-004898
Organization	America Rising Advanced Research ("AR2"ot;)	Submitted Date	03/18/2016
Requester Has Account	No	Received Date	03/18/2016
Email Address	ablutstein@arsquared.org	Perfected Date	03/18/2016
Phone Number	703-672-3776	Last Assigned Date	03/31/2016
Fax Number		Assigned To	Mark Stilp (OGC)
Address	1555 Wilson Blvd. Suite 307	Last Assigned By	Mark Stilp (OGC General Law Office)
City	Arlington	Request Track	Simple
State/Province	VA	Fee Limit	\$25.00
Zip Code/Postal Code	22209		

Closure Information

Closed Date	04/15/2016	Exemptions Used
Disposition	Full Grant	Statutes Used
"Other" Disposition		Subtypes Used

Request Handling

Requester Info Available to the Public	No	Request Type	FOIA
Request Track	Simple	Request Perfected	Yes
Fee Category	Other	Perfected Date	03/18/2016
Fee Waiver Requested	No	Acknowledgement Sent Date	03/18/2016
Fee Waiver Status		Unusual Circumstances	No
Expedited Processing Requested	No	Litigation	No
Expedited Processing Status		Court Docket Number	
		5 Day Notifications?	No

Description

Long Description	Email received or sent by the General Counsel or Principal Deputy General Counsel on March 16, 2016, that mentions Merrick Garland. The agency need not produce any emails that consist solely of news clippings received directly from a listserv.
Has Description Been Modified	No
Description Available to the Public	No
Short Description	

Additional Information

Unusual circumstances Invoked and Due Date Extended	N/A
Date Unusual Circumstances Invoked – you MUST go to EXTEND DUE DATE in LEFT-HAND NAVIGATION BAR and COMPLETE FIELDS including ESTIMATED DATE OF COMPLETION	N/A
Records Locations - Identify one or more locations where records may be located	N/A

Attached Supporting Files

Attachments Available to the Public?
No

Attached File Name	Size (MB)	File Type
No supporting files have been uploaded.		

Appeals

Tracking Number	Appeal Date	Appellant	Phase	Notification
-----------------	-------------	-----------	-------	--------------

No appeals have been created.

Consultations

Tracking Number	Consulted Agency	Created By	Consultation Date	Due Date	Phase
-----------------	------------------	------------	-------------------	----------	-------

No consultations have been created.

Correspondence to Requester

Subject	From	To	Date
Final Disposition, Request EPA-HQ-2016-004898	Mark Stilp	Mr. Allan Blutstein	04/15/2016

EPA-HQ-2016-004898 has been processed with the following final disposition: Full grant.

Records were released to the public as a result of this request. You may retrieve these records immediately using the following link: [View Records](#). Over the next 2 hours, these records are also being added to FOIAonline's search pages, further enabling you to retrieve these documents associated with your FOIA request at any time.

FOIA Request EPA-HQ-2016-004898 Submitted	System	Mr. Allan Blutstein	03/18/2016
---	--------	---------------------	------------

This message is to confirm your request submission to the FOIAonline application: [View Request](#). Request information is as follows:

- Tracking Number: EPA-HQ-2016-004898
- Requester Name: Allan Blutstein
- Date Submitted: 03/18/2016
- Request Status: Submitted
- Description: Email received or sent by the General Counsel or Principal Deputy General Counsel on March 16, 2016, that mentions Merrick Garland. The agency need not produce any emails that consist solely of news clippings received directly from a listserv.

Other Correspondence

Attached File	File Type	Size (MB)
2016-004898 Final Response2016-04-15-131416.pdf	Adobe PDF Document	0.359
email_final_response_FOIA Request EPA-HQ-2016-004898.pdf	Adobe PDF Document	1.084

Fee Estimates

Current Estimate Total	\$0
Date Estimate Sent to Requester	N/A
Estimate Required for Payment	N/A

Invoices

Sent	Title	Invoice Date	Amount
No	EPA-HQ-2016-004898 Invoice 20160415.pdf	04/15/2016	\$0.00

Total Amount Billed Which Has Been Sent To Requester	\$0.00
---	--------

Payments

Date	Amount	Type	Total Amount Paid	Total Amount Owed
No payments have been added.			\$0.00	\$0.00

Case Responsive Records

Publish Options:

UU - Unredacted - Unreleaseable

RU - Redacted - Unreleaseable

UR - Unredacted - Releaseable to the
General Public

RR - Redacted - Releaseable to the General
Public

REQ - Release to Requester Only

Release Type	Title	User	Date/Time	Exemptions	Release Date
RR - Redacted - Releaseable to the General Public	RR_Responsive_Record_EPA-HQ-2016-004898	Mark Stilp	02/21/2019 11:37 AM	N/A	04/15/2016 02:16 PM
Type	Adobe PDF Document	Retention	6 year		
Size (MB)	0.3032	Referred to Non-Participating Agency	No		
Exemption 3 Statutes	N/A				
Exemption 5 Subtypes	N/A				

Restricted Materials

Attached File Name	Size (MB)	File Type	User	Actual Agency	Date/Time
No restricted materials have been added.					

Existing Admin Costs

Date	User Name	Charge Type	Hours/Quantity	Rate	Billable?	Total
04/15/2016	Mark Stilp	Search	1.00	28.00	No	28.00

Charge Description	redact. approval from Front Office and OEX. Final response letter.					

Fee Category: Other

Total: \$0.00

Invoice Amount: \$0.00

Assigned Tasks

Outcome	Task Type	Assigned To	Assigned By	Submitted Date	Due Date	Closed Date	Notification	Justifi
Approve	Case File Review	Matthew Schwarz	Mark Stilp	04/15/2016	04/15/2016	2016-04-15T18:15:24.000Z	No	
Comments	N/A							
Completed	Final Disposition Notice	Mark Stilp	Matthew Schwarz	04/15/2016	04/15/2016	2016-04-15T18:16:31.000Z	No	
Comments	N/A							

Existing Comments (0)

Date Created

Last Edited On

User Name

No comments have been added.

Assigned Reviewers

Review Order	Review Outcome	Assigned Reviewer	Review Date
1	Approve	Matthew Schwarz	04/15/2016

From: Stilp, Mark
To: ["ablutstein@arsquared.org"](mailto:ablutstein@arsquared.org)
Subject: FOIA Request EPA-HQ-2016-004898
Date: Friday, April 15, 2016 1:55:00 PM
Attachments: [Record 12016-04-15-131505.pdf](#)
[2016-004898 Final Response2016-04-15-131416.pdf](#)

Dear Mr. Blutstein:

This is a response to your FOIA request EPA-HQ-2016-004898. Please see the attached response letter and responsive record. The original letter and record are in the mail.

Please let me know if you have any questions or concerns.

Sincerely,

Mark Stilp

Mark Stilp | Attorney-Adviser | Office of General Counsel | U.S. Environmental Protection Agency | 1200 Pennsylvania Ave. NW | Washington, DC 20460 | mail code: 2377A | office: WJCN 7309-D1 | phone: 202.564.4845



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

Mr. Allan Blutstein
America Rising Advanced Research
1555 Wilson Blvd. Suite 307
Arlington, VA 22209

APR 15 2016

RE: Freedom of Information Act Request EPA-HQ-2016-004898

Dear Mr. Blutstein:

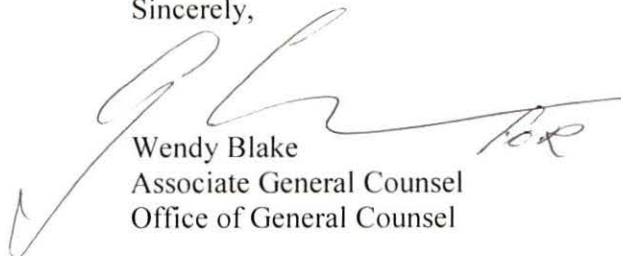
This letter is a final response to the Freedom of Information Act (FOIA) request that you submitted to the U.S. Environmental Protection Agency (EPA or Agency) on March 18, 2016. Your request sought "email received or sent by the General Counsel or Principal Deputy General Counsel on March 16, 2016, that mention Merrick Garland."

The Office of General Counsel completed its search for records responsive to your request and is disclosing the responsive record with redactions. Pursuant to FOIA Exemption 6, the Agency redacted the Administrator's EPA email address, which appears twice in the record. 5 U.S.C. § 552(b)(6). Exemption 6 protects information about individuals in "personnel and medical files and similar files" when the disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy." *Id.* Under the Exemption 6 framework, the Administrator's email address is a "similar file", and release of the email address would lead to the unwarranted invasion of the Administrator's privacy.

This letter and attached record production conclude EPA's response to your request. You may appeal this response to the National Freedom of Information Officer by U.S. Postal Service mail to U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Ave. NW, mail code 2822T, Washington, DC 20460; by fax to 202.566.2147; or by email to hq.foia@epa.gov. To submit an appeal by hand delivery or courier service, address your correspondence to 1301 Constitution Ave. NW, Room 6416J, Washington, DC 20001. Your appeal must be in writing, and EPA must receive the appeal within 30 calendar days of this final response. The Agency does not consider appeals received after the 30 calendar day limit. For quickest handling, please include your FOIA request tracking number (EPA-HQ-2016-003406) in the appeal letter, and write "Freedom of Information Act Appeal" on the envelope, subject line or fax cover sheet.

If you have any questions or concerns about this final response, please contact Mark Stilp at 202.564.4845 or Stilp.Mark@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Wendy Blake", is written over the typed name and title.

Wendy Blake
Associate General Counsel
Office of General Counsel

Garbow, Avi

From: Garbow, Avi
Sent: Wednesday, March 16, 2016 10:53 AM
To: Meiburg, Stan; (b)(6) Administrator's EPA email; Fritz, Matthew
Subject: RE: Cabinet call 10:15 3/16/2016

Thanks, Stan. By so many accounts, Chief Judge Garland is eminently qualified and will be an exceptional nominee. He also happened to be on the panel that both upheld MATS (prior to S.Ct. review), and also voted for remand without vacatur more recently.

Avi

Avi Garbow
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

-----Original Message-----

From: Meiburg, Stan
Sent: Wednesday, March 16, 2016 10:27 AM
To: (b)(6) Administrator's EPA email address; Fritz, Matthew <Fritz.Matthew@epa.gov>
Cc: Garbow, Avi <Garbow.Avi@epa.gov>
Subject: Cabinet call 10:15 3/16/2016

My notes on the Cabinet call 10:15 3/16/2016

Opened by Dennis McDonough, Broderick Johnson

Julian Castro, Penny Pritzker, many others on phone

DC Circuit Chief Judge Merrick Garland will be nominated for Supreme Court at 11:00 this morning.

Not just Constitutional obligation, but obvious negative consequences for the country if there is not a nomination

--Court may defer decisions, or not take up critical questions --Divided circuits on key legal questions

Calls from POTUS, Dennis, Brian already--starting strong, opening to make the case to the country

Brian--

- 1) There is no plausible argument why this person is not qualified to serve on the Supreme Court--exceptionally qualified
- 2) Lots of others, both GOP and Democrats, have already said that
- 3) Judge Garland has an extraordinary life story; including coordinating Federal response to OKC bombing for months; understanding about how law affects real life people in real life communities

We have to do everything we can to take this out of the politics of the moment.

Dennis--POTUS remarks at Speaker's breakfast on obligations facing political leadership of the country--returning our dialogue to the kind of conversation we'd be comfortable having our kids witness. Will circulate POTUS remarks to the Speaker's breakfast. POTUS feels really good about it.


Secretary Pritzker, Secretary Burwell spoke very highly of Judge Garland as a person.

Sent from my iPad

Request Details**Status :** Assignment Determination **Due Date :** 04/15/2016 12

Tracking Number : EPA-HQ-2016-004898

Submitted Date : 03/18/2016

 Requester : Mr. Allan Blutstein

Perfected Date : 03/18/2016

Organization : America Rising Advanced Research ("AR2")

Last Assigned Date : 03/31/2016

Requester Has Account : No

Fee Limit : \$25.00

Email Address : ablutstein@arsquared.org

Request Track : Simple

Phone Number : 703-672-3776

Due Date : 04/15/2016

Fax Number : N/A

Assigned To : Mark Stilp (OGC)

Address : 1555 Wilson Blvd.
Suite 307

Last Assigned By : Mark Stilp (OGC)

City : Arlington

State/Province : VA

Zip Code/Postal Code : 22209



Submission Details

Case File

Admin Cost

Assigned Tasks

Comments (0)

Review

Request Handling

Requester Info Available to the Public : Yes

Request Perfected : Yes

Request Track : Simple

Perfected Date : 03/18/2016

Fee Category : Other

Acknowledgement Sent Date: 3/18/16

Fee Waiver Requested: No

Unusual Circumstances ? : No

Fee Waiver Status: N/A

5 Day Notifications: ☐

Litigation : No

Expedited Processing Requested :

Expedited Processing Status : N/A

Request Description

Short Description :

Email received or sent by the General Counsel or Principal Deputy General Counsel on March 16, 2016, that mentions Merrick Garland. The agency need not produce any emails that consist solely of news clippings received directly from a listserv.

Description Available to the Public : No

Has Description Been Modified? ☐**Attached Supporting Files**

No supporting files have been added.

Upload Supporting Files

No attachments have been added.